

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,695

IN THE MATTER OF:

Served November 19, 2008

Application of HAYMARKET)	Case No. AP-2008-043
TRANSPORTATION, INC., for a)	
Certificate of Authority --)	
Irregular Route Operations)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If the applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.¹ A determination of compliance fitness is prospective in nature.² The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.³ Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.⁴

George Mouratidis, an officer and sole director of applicant previously held WMATC Certificate of Authority No. 277 from January 6, 1995, until July 14, 1998, when the Commission revoked Certificate No. 277 for willful failure to comply with the certificate transfer provisions of the Compact and Commission regulations and orders.⁵ Certificate No. 277 was reissued to applicant on January 4, 1999.⁶

¹ In re Academy Express, L.L.C., t/a Academy, No. AP-07-180, Order No. 10,954 (Nov. 29, 2007).

² Id.

³ Id.

⁴ Id.

⁵ In re George Mouratidis, t/a Haymarket Transp., No. MP-98-15, Order No. 5372 (July 14, 1998).

⁶ See In re Haymarket Transp., Inc., No. AP-98-35, Order No. 5427 (Oct. 1, 1998).

Applicant held Certificate No. 277 until April 3, 2007, when the Commission revoked Certificate No. 277 for applicant's willful failure to pay a \$50 late insurance fee in compliance with Commission Regulation No. 67-03.⁷

The revocation order, Order No. 10,375, noted that the \$50 late fee would remain due and gave applicant until May 3, 2007, to: (1) remove from its vehicles the identification placed thereon pursuant to Commission Regulation No. 61; (2) file a notarized affidavit with the Commission verifying removal; and (3) surrender Certificate No. 277 to the Commission. Applicant paid the late fee and submitted a copy of Certificate No. 277 after the application was filed in March of this year. But applicant has yet to file an affidavit verifying removal of WMATC markings from applicant's vehicles, and applicant has not explained the failure to produce the original Certificate No. 277.

Until such time as applicant complies with the requirements of Order No. 10,375, we cannot say that applicant has demonstrated prospective compliance fitness.

THEREFORE, IT IS ORDERED that the application of Haymarket Transportation, Inc., for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

⁷ In re Haymarket Transp., Inc., No. MP-06-084, Order No. 10,375 (Apr. 3, 2007).